

Meeting Minutes
 Inter Agency Management Integration Team (IAMIT)
 EPA Conference Room
 712 Swift Blvd., Richland
 January 28, 1997

Appvl.: *Charlie A. Hansen* Date: 2/25/97
 Charlie A. Hansen, RL (S7-41)
 IAMIT Representative

Appvl.: *Douglas R. Sherwood* Date: 2/26/97
 Douglas R. Sherwood, EPA (B5-01)
 IAMIT Representative

Appvl.: *Michael A. Wilson* Date: 2/26/97
 Michael A. Wilson, Ecology (B5-18)
 IAMIT Representative

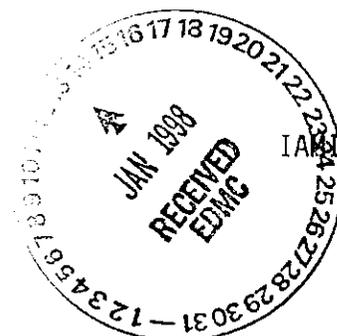
Prepared by
 Appvl.: W. Russ Brown Date: _____
 Fluor Daniel Hanford, Inc.

Distribution

Alexander, S. M.	Ecology	B5-18	Kinzer, J. E.	RL	S7-50
Arnold, L. D.	WHC	B2-35	McLaughlin, M.A.	WHC	B2-35
Baker, T. L.	RFSH	H6-06	Miera, F. R.	RL	A5-15*
Blazek, M. L.	ODOE		Morrison, R. D.	FDH	B2-35
625 Marion N.E., Salem, OR		97310*	Rasmussen, J. E.	RL	A5-15*
Brown, W. R.	FDH	B2-35*	Sanders, G. H.	RL	A5-15*
Cameron, K. D.	RL	A5-58	Selby, M. A.	Ecology	B5-18
Dahl, S. L.	Ecology	B5-18*	Sherwood, D. R.	EPA	B5-01*
Ellis-Balone, G.	RL	A5-15	Skinnarland, R	Ecology	B5-18*
Haass, C. C.	RL	S7-51*	Wilson, M. A.	Ecology	B5-18*
Hansen, C. A.	RL	S7-41	Yerxa, J. K.	RL	A7-75
Jackson, D. E.	RL	A5-15	EPIC		H6-08*

cc:

* W/Attachments



IAMIT01.28

Inter Agency Management Integration Team
EPA Conference Room
712 Swift Blvd., Richland
January 28, 1997

1. **November Meeting Minutes**

The November meeting minutes were approved by Mike Wilson, Ecology and Jackson Kinzer, RL and Doug Sherwood, EPA.

2. **SMS Replacement Report Actions Status**

Kerry Cameron passed out a handout and explained the current status of the SMS Replacement Report. Inter Agency Agreement items status report was discussed (Attachment 1).

Action: Doug Sherwood requested that when RL receives HQ direction on the new reporting system that this be shared with EPA and Ecology.

3. **M-44-02C Status Report on Dispute Resolution (Attachment 2)**

Jim Poppiti gave a brief history of M-44-02C and current RL-Ecology-Contractor working group actions. Four areas are being discussed:

1. Prioritization of tanks for sampling;
2. Practical Prioritization;
3. DQOs;
4. Actual number of TCR's to be produced.

The working group has gotten agreement on items 1 and 2 above. A briefing to Lloyd Piper about the actual number of samples and TCR's has been scheduled for February 5, 1997. Acid test on whether resolution of outstanding issues will happen is yet to come. The working group has not discussed this with the HAB.

4. **M-19-03 Change Request (M-19-97-01)**

Felix Miera discussed the history of this milestone. The purpose of an extension is to provide clarification of these issues. No further issues are impacted. An extension until April 30, 1997 was approved.

5. **HAB Membership Announcement**

Two new public at large members have been appointed. There were 36 applicants, Two candidates were accepted: A) Gerald Hess, Gonzaga Law Professor, B) Don Warden, Retired Pasco Farmer. Kathy Hackley is being replaced, and a Local Business Seat is being replaced. In the future, two employee seats will become available. The HAB is not accepting applicants from Enterprise Companies.

6. **TWRS Program Budgetary Briefing**

Jon Peschong provided an overview of the current TWRS budget. At present, the FY 1997 TWRS budget is about 64% of last year's budget. (see attachment 3).

7. **Superfund Reform**

The Superfund Reform Packet (Attachment 4) was passed out by Doug Sherwood with the following categories:

Regulatory Streamlining

- A. Single Regulator
- B. RCRA Past Practice/CERCLA Response Action Coordination
- C. Decontamination & Decommissioning under CERCLA
- D. Decommissioning Process - Impact on entire plan

Remedy Selection

- A. Presumptive Remedies
- B. Land Use
- C. Cost and Cost Efficiencies
- D. TI Waivers
- E. Use of Removal Authority

Expanding Public, Tribal and Stakeholder Involvement

- A. HAB
- B. Natural Resource Trustee Council
- C. Budget Process - FFLDC

Economic Redevelopment

- A. Site Deletion/Partial Deletion
- B. Cease Agreement

Action: Someone from Jim Daily's shop will be at the next IAMIT Meeting.

Doug wants the workshop to discuss:

1. DOE Ten Year Plan - Consistent with superfund reforms.
2. East coast (DOE & EPA) must understand what is being done at Hanford. A workshop will be held February 26, 1997.

Action: Doug Sherwood wants a meeting next week to set the agenda. Doug wants Mary Ann Lynch and Tim Mott, EPA Region 10 Representatives in attendance. March 31, 1997 is the deadline for the 10-Year Plan. Rich Holten will get the AM's together to discuss input from all programs prior to the workshop.

AGENDA

IAMIT MEETING
JANUARY 28, 1997
EPA CONFERENCE ROOM
712 SWIFT BLVD., RICHLAND
12:30 PM - 2:25 PM
(CHAIRPERSON: M. WILSON)

- 12:30 pm APPROVAL OF NOVEMBER MEETING MINUTES
- 12:35 pm SMS REPLACEMENT ACTIONS STATUS
(K. Cameron)
- 12:45 pm MILESTONE M-44-02C DISPUTE RESOLUTION STATUS
(J. Poppiti, D. Dougherty, J. Kristofzski)
- 1:00 pm APPROVAL OF CHANGE REQUEST M-19-97-01
(J. Waring, F. Miera, M. Jaraysi)
- 1:05 pm HAB MEMBERSHIP ANNOUNCEMENTS
(D. Faulk, M. Power, J. Yerxa)
- 1:20 pm TWRS PROGRAM BUDGETARY BRIEFING
(J. Peschong, J. Kinzer)
- 2:05 pm SUPERFUND ADMINISTRATIVE REFORMS WORKSHOP
(D. Sherwood, R. Holten)
- 2:25 pm ADJOURN/ BREAK
- 2:30 pm TWRS PROGRAM TPA MILESTONE REVIEW

ATTENDEES

INTER AGENCY MANAGEMENT INTEGRATION TEAM (IAMIT) MEETING

DATE: 1-28-97

<u>NAME</u>	<u>ORGANIZATION</u>	<u>MAILSTOP</u>	<u>(✓) FOR ATTACHMENTS</u>
<u>Russ Brown</u>	<u>FDH-TPAI</u>	<u>B2-35</u>	<input checked="" type="checkbox"/>
<u>Dale Jackson</u>	<u>DOE-EAP</u>	<u>A5-15</u>	<input type="checkbox"/>
<u>Doug Sherwood</u>	<u>EPA</u>	<u>B5-01</u>	<input checked="" type="checkbox"/>
<u>Jim Rasmussen</u>	<u>DOE-RL-EAP</u>	<u>A5-15</u>	<input checked="" type="checkbox"/>
<u>Carolyn Haass</u>	<u>DOE-RL-TWRS</u>	<u>57-51</u>	<input checked="" type="checkbox"/>
<u>Mike Wilson</u>	<u>Ecology</u>	<u>—</u>	<input checked="" type="checkbox"/>
<u>Kerry Cameron</u>	<u>DOE-RL-PID</u>	<u>A5-58</u>	<input type="checkbox"/>
<u>Jackson King</u>	<u>DOE-RL-TWRS</u>		<input type="checkbox"/>
<u>Felix R. Miron</u>	<u>RL-EAP</u>	<u>A5-15</u>	<input checked="" type="checkbox"/>
<u>Therese McLaughlin</u>	<u>FDH/TPAI</u>	<u>B2-35</u>	<input type="checkbox"/>
<u>George H. Sanders</u>	<u>DOE-RL/EAP</u>	<u>A5-15</u>	<input checked="" type="checkbox"/>
<u>Larry Arnold</u>	<u>FOAI-TPAI</u>	<u>B2-35</u>	<input type="checkbox"/>
<u>Suzanne Dahl</u>	<u>Ecology</u>		<input checked="" type="checkbox"/>
<u>TOM BAKER</u>	<u>RFSH</u>	<u>H1-06</u>	<input type="checkbox"/>

November 26, 1996



Tri-Party Agreement

**INTER-AGENCY MANAGEMENT INTEGRATION TEAM AGREEMENT
INTERIM REPLACEMENT OF SITE MANAGEMENT SYSTEM REPORT**

As of October 1, 1996, the new Project Hanford Management Contract (PHMC) has been in place at the Hanford Site. New contracting approaches are expected to achieve greater efficiencies in the performance of work required by the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement). The current Tri-Party Agreement requires the preparation and submittal of a Site Management System (SMS) report on a monthly basis in order to document progress, identify projected delays, the reason(s) for such delay(s), actions taken to prevent or mitigate delay, and expected associated impacts. With the new contracting approaches being implemented the SMS report is no longer the most viable performance reporting mechanism. Reporting of Tri-Party Agreement performance and related issues remains an important requirement and must continue. This "IAMIT" agreement describes commitments between the parties necessary to ensure adequate interim monitoring and reporting as Hanford's contractors revise out of date systems.

1. An updated system for tracking, gathering and reporting performance information will be implemented in fiscal year (FY) 1997.
2. During the interim period, while testing and development of an improved HQ Progress Tracking System (PTS) and Program Management and Control (PMC) system is being completed, the U.S. Department of Energy, Richland Operations Office (DOE) will utilize a modified version of the Hanford Site Performance Summary (HSPS) to provide performance information to the U.S. Environmental Protection Agency (EPA) and the State of Washington Department of Ecology (Ecology). This information will meet the substantive requirements of Tri Party Agreement paragraph 149 (I) (4).
3. All data previously provided via the M&O Contractor SMS report will continue to be made available through the extraction of data from resident data systems.
4. Cost, schedule, and milestone performance data will continue to be provided on a monthly basis during this interim period.
5. DOE commits to provide the regulators on-line electronic access to DOE's performance information system by March, 31 1997.
6. Signatures will not be provided as each project will have a designated manager that will have electronic approval authority. Once electronically approved by DOE and contractor project management, the data will be transmitted to the network manager and will then be available to all who have on line access. Electronic approval by DOE and contractor project management, and release by DOE's network manager will constitute fulfillment of the signature requirements at TPA paragraph 149 (I) (4).
7. The modified HSPS will be utilized to report performance measurement information starting with the November report. The modified monthly HSPS report shall be placed in the Public Information Repositories as identified in Section 10.2 of the Tri-Party Agreement Action Plan.

Interim Performance Information Agreement

November 26, 1996

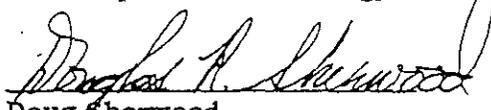
Page 2.

8. A DOE-HQ PMC pilot test will be conducted during the first quarter of FY 1997. Upon completion and implementation of the new PMC system (est. March 1997) the Tri-Parties will meet and negotiate modifications to Tri-Party Agreement Paragraph 149, Section I and Action Plan Section 11.7.

9. The DOE, EPA and Ecology hereby indicate their agreement to use the modified HSPS to fulfill the reporting requirements of Paragraph 149, Section I and Tri-Party Agreement Action Plan Section 11.7 until such time as a formal modification of the Tri-Party Agreement is agreed to incorporating the new reporting system.


James Rasmussen
U. S. Department of Energy


Mike Wilson
WA Department of Ecology


Doug Sherwood
Environmental Protection Agency

Kasmars pLida

Chronology of TWRS Budget - FY 1997

- old -

- FY 1997 "new" funding was 64% of last years' funding (excluding privatization set-aside, \$290M/\$456M = 64%)
- FY 1997 work scope exceeded funds by \$57 - 59M ("new" funding = \$290 M). "Solved" the problem by cutting \$28 M in scope and adding \$29 M funds.

- new -

- ◆ ¹⁵ \$~~11~~ M current problem:
 - * C-106 overrun of ~\$9M, \$7 M rates impacts (\$16 M)
 - * \$4 M "loan" to RL (\$4 M)
 - * RL commitment to \$3M, Fee \$2 M 5 M
 - (\$~~11~~ M)
 - ¹⁵
- ◆ Initial thinking utilized Integrated Priority List - cut organic safety and supporting characterization work. Led to unacceptable TPA and DNFSB milestone slippage.
- ◆ Problem solution underway.



Department of Energy
Environmental Protection Agency
Washington, DC



DEC 18 1996

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Site-Specific Workshops on Superfund Administrative Reforms

FROM: Alvin L. Alm *Alvin L. Alm*
Assistant Secretary for Environmental Management
United States Department of Energy

Elliott P. Laws *Elliott P. Laws*
Assistant Administrator
Office of Solid Waste and Emergency Response
United States Environmental Protection Agency

The Environmental Protection Agency Regions and Department of Energy Sites are working to incorporate Superfund Administrative Reforms in the Department's clean-up program. We believe that the clean-up process can be made more efficient by building on the synergy between the field sites and regulators. This effort will accelerate site cleanup, reduce risk, improve compliance, increase efficiency, and reduce costs. Many of these Superfund reforms result from collaborative efforts already undertaken by field sites and Regions. Making the best use of Superfund Administrative Reforms will bring us closer to achieving the Department's vision of completing cleanup at most sites within ten years.

To accomplish this, we are asking Division Directors, or leads for environmental restoration, from each of the five major Department of Energy field sites (Oak Ridge, Hanford, Rocky Flats, Idaho, and Savannah River) and Environmental Protection Agency Regional Office Branch Chiefs, or other comparable level contacts, to jointly develop and conduct an "outcome oriented" workshop in coordination with our Headquarters offices. In addition, we believe it is extremely important to coordinate and facilitate state involvement in both the development of the agenda and participation in the workshop. This workshop should produce specific detailed action plans that achieve the following three major objectives:

- Identification of specific reforms currently being used; lessons learned from implementation; benefits and cost savings realized; and any remaining obstacles preventing maximum use of the specific reforms.
- Expanded understanding about reform measures not currently being implemented; exploration of how such reforms may be incorporated into the site clean-up strategy; and the incorporation of appropriate reforms.

- Specific documentation of other issues affecting clean-up progress where mutual resolution is not achievable at the workshop and development of a collaborative approach for how to pursue unresolved issues, including national crosscutting issues.

Our goal is to have these workshops completed in the January and early February time frame. Oak Ridge and Region 4 have agreed to take the lead and conduct the first workshop on January 22-23, 1997. Department of Energy and Environmental Protection Agency headquarters personnel will support the sites, Regions, and states by working to resolve national program and reform issues identified in the workshops and communicating the lessons learned from each of the five workshops throughout the complex. It is also expected that action plans and goals developed at the site-specific workshop will be further coordinated with site stakeholders over the coming months and incorporated into the final Ten Year Plan submittal due in September 1997.

The Department of Energy point of contact for the Superfund Administrative Reforms Workshops is Ms. Martha Crosland, Director of the Office of Environmental and Regulatory Analysis, (EM-75). She can be reached at (202) 586-5793. The Environmental Protection Agency point of contact is Ms. Lucy McCrillis, Associate Director of the Federal Facilities Restoration and Reuse Office, Office of Solid Waste and Emergency Response. She can be reached at (202) 260-2457. Each site should begin working with their respective Region and state regulatory counterparts to establish a date for their workshop. Such dates should be agreed to by January 6, 1997. Both the field site and Region should coordinate with their Headquarters contacts on establishing the dates of the workshop.

The Department of Energy and the Environmental Protection Agency are committed to working together to maintain compliance and accomplish cleanup at most sites within ten years. By working collaboratively and aggressively toward applying the innovations and flexibility contained in the Superfund Administrative Reforms, the mutually compatible goals of compliance and accelerated clean up are strengthened. The ingredients for success in these workshops are synergy, trust, and hard work. We look forward to the action plans and outcomes of this mutual effort.

Addressees:

United States Environmental Protection Agency

Regional Administrators

Director, Waste Management Division, Region IV

Assistant Regional Administrator, Office of Ecosystems

Protection and Remediation, Region VIII

Director, Environmental Cleanup Office, Region X

Regional Counsels, Regions IV, VIII, and X

Federal Facilities Leadership Council, Regions IV, VIII, and X

United States Department of Energy

Deputy Assistant Secretary for Environmental Restoration

Deputy Assistant Secretary for Site Operations

Office Directors of Environmental Restoration

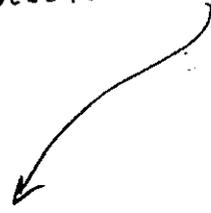
DOE Field Offices

DOE Operations Offices

Assistant Managers for Environmental Restoration

State DOE Regulatory Program Managers

Selected sections of:



The Evolution of the Superfund Program

through

Three Rounds of Reforms

Mike Geckard has
the full
binder.

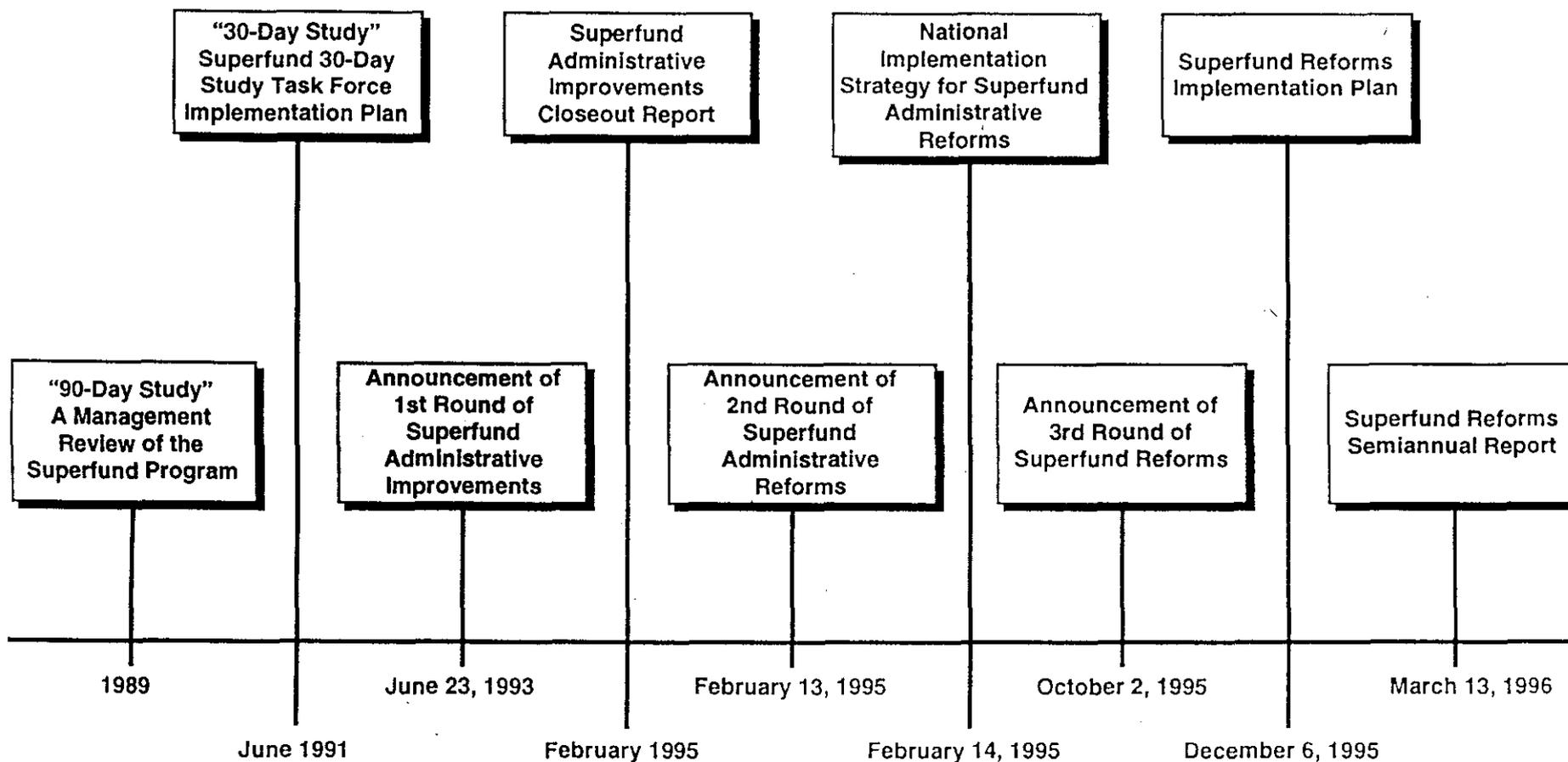
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U.S. Environmental Protection Agency

HANFORD PROJECT OFFICE
JAN 10 1997
ENVIRONMENTAL PROTECTION
AGENCY

Timeline of Superfund Administrative Reforms





Environmental News

FOR RELEASE: WEDNESDAY, JUNE 23, 1993

EPA ANNOUNCES ADMINISTRATIVE IMPROVEMENTS TO SUPERFUND PROGRAM

Wendy Butler 202-260-4376

Robert Sussman, Deputy Administrator of the U.S. Environmental Protection Agency, today announced a comprehensive package of administrative changes to the Superfund program. The primary objective of implementing administrative change in Superfund is to address liability fairness under the law, to improve the pace and cost of cleanup, to augment the state role in cleanup decisions, and to readily involve local communities -- particularly disadvantaged communities -- in Superfund decision-making.

The Superfund administrative improvements, which will begin to be implemented immediately, are contained in a report compiled by an agency-wide task force established last month by EPA Administrator Carol M. Browner. Nine administrative improvements to Superfund are discussed in detail in the new report.

Browner observed that, "While Superfund has made significant progress in protecting human health and the environment from releases of hazardous substances, I am confident we can make it more efficient, more effective, and more fair. This is the first phase of the Clinton Administration effort to make Superfund work."

The report describes new and revised Superfund policy and identifies planned demonstration projects involving states, cost allocation, small volume waste contributor settlements, presumptive remedies, mixed funding, and environmental justice. The report also reaffirms continuing Superfund initiatives such as the Superfund Accelerated Cleanup Model (SACM). The report does not evaluate or suggest changes to the EPA Superfund removal program.

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-more-

"The prospect of Superfund reauthorization presents the Clinton administration, Congress, EPA, and the public an excellent opportunity to evaluate how well the program has worked over the last dozen years and to make changes that will improve the program in the future," said Sussman. "By immediately implementing the improvements outlined in the report, EPA will be able to explore its flexibility under the current statute, and thus determine what legislative changes are necessary or desirable. We do believe that changes in the statute may well be warranted and EPA is actively reviewing possible changes in conjunction with the Congress."

Under the Superfund report's general goal of enhancing enforcement fairness and reducing transaction costs, EPA will identify approximately 20 sites where alternative dispute resolution can be used, update the guidance to provide greater flexibility and judgement in reaching settlements with small volume waste contributors, identify sites where settlements with small volume waste contributors can be encouraged, issue supplemental Federal Lien procedures for owners at Superfund sites, and fully evaluate the Superfund mixed funding policy.

Under the goal of enhancing cleanup effectiveness and consistency, EPA will develop standard specifications for some remedy design components, clarify the agency's Superfund land policy, promote the use of standard cleanup remedies at similar Superfund sites (landfills, wood-treater sites, grain storage sites, etc.), and develop soil "trigger" levels for a variety of chemicals.

Under the goal of enhancing public involvement in the Superfund program, EPA will prepare and implement a Superfund public participation plan by the end of 1993 and ask each EPA region to identify a site where environmental equity is of concern, and develop a site-specific strategy for addressing equity issues.

Finally, under the goal of enhancing the state role in the Superfund program, EPA will encourage more environmental cleanup sooner by state "deferral." EPA is encouraging states to address a large number of sites EPA has not listed on the Superfund priorities list. Deferring to states can accelerate cleanup, and minimize the risk of duplicative state/federal efforts.

The agency will continue to implement other Superfund management and enforcement initiatives already in effect, including Superfund construction completions, enforcement first, accelerated cleanup (including SACM), and improved contracts management.

In addition to discussing the new Superfund report, Sussman will announce the membership of the National Advisory Council for Environmental Policy and Technology (NACEPT) Superfund Evaluation Committee. The Committee's first meeting is scheduled to convene June 28-29 in Arlington, Va.

Superfund



Superfund Administrative Improvements Closeout Report

June 23, 1993 – September 30, 1994

I xeroxed the
Executive Summary only.

Executive Summary

Background

Responding to growing concern over public health and environmental threats due to uncontrolled releases of hazardous materials, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. CERCLA, known as Superfund, established a program to identify and clean up hazardous materials spills and contaminated sites. EPA administers the Superfund program.

During the 14 years that the Superfund program has been in existence, EPA and other Superfund stakeholders have made significant progress toward reducing risk to human health and the environment from releases of uncontrolled hazardous substances. EPA has evaluated over 35,000 sites that may pose risks, conducted over 3,700 early actions to protect the public and the environment, and has completed construction of cleanup remedies at 278 of the Nation's worst hazardous waste sites.

EPA recognizes, however, that certain aspects of the Superfund program have also generated criticism. Specific criticisms have focused on the pace and cost of cleanup, the degree to which sites are cleaned, the fairness of the liability approach, the role of states in the process, and the ability of local communities to have meaningful participation in the process, particularly disadvantaged and minority communities.

To improve the Superfund program, EPA established the Superfund Administrative Improvements Task Force, a group of representatives from the Office of Solid Waste and Emergency Response; the Office of Enforcement; the Office of General Counsel; the Office of Policy, Planning, and Evaluation; the Office of Administration and Resources Management; the Office of Research and Development; Region 2; Region 5; Region 9; and the Department of Justice. The task force, chaired by the Superfund Revitalization Office, solicited ideas from both Agency personnel and outside stakeholders, including industry, environmental groups, community groups, and Congressional staff, to develop options for strengthening the Superfund program.

The Superfund Administrative Improvements Task Force developed recommendations for the Superfund program that were approved by the Superfund Steering Committee. In developing the initiatives, the task force focused on issues of most concern to the Administration, Congress, and the public. A key criteria for selection was the ability to implement the improvement without changing the statute. Priority was given to actions that could be implemented before September 30, 1994.

To provide oversight for key Superfund administrative and legislative issues, the Administrator established the Superfund Steering Committee. The committee, chaired by the Deputy Administrator, focused primarily on Superfund reform legislation. The committee included senior officials from the EPA Headquarters offices represented on the task force, as well as the Office of Congressional and Legislative Affairs, Region 2, Region 3, Region 6, and the Department of Justice. The committee reviewed task force recommendations and provided advice on the appropriate initiatives to adopt.

The goals of the new initiatives adopted by the Agency fall into four themes

- Increasing enforcement fairness and reducing transaction costs
- Improving cleanup effectiveness and consistency
- Expanding meaningful public involvement
- Enhancing the state role in the Superfund program

The task force also considered several ongoing initiatives established to increase the efficiency, effectiveness, and fairness of the Superfund program. Eight of the ongoing initiatives met the criteria for administrative improvements. To maintain focus on these ongoing initiatives, the Agency adopted them as administrative improvements. These initiatives include

- Implementing the Superfund Accelerated Cleanup Model
- Increasing construction completions
- Improving contracts management
- Promoting "Enforcement First"
- Accelerating cleanup at military base closures
- Promoting use of innovative technology
- Improving compliance monitoring
- Enhancing the effectiveness of cost recovery

To accomplish the goals and action items set forth in the adopted initiatives, EPA Headquarters and Regional offices each developed implementation plans. These plans enabled the Agency to focus on the actions necessary to ensure the consistent and successful accomplishment of each administrative improvement.

Progress under each initiative was tracked through administrative improvements quarterly reports. The final quarterly report, covering performance from June 23, 1993, to September 30, 1994, was issued on December 23, 1994. In addition, performance narratives for each initiative are included in this report beginning on page 9.

Overview of Progress

The Agency, in coordination with Superfund stakeholders, was successful in achieving or exceeding most of the goals and targets it set for itself by the September 30, 1994, deadline. In two key areas of performance, construction completions and *de minimis* settlements, EPA exceeded targets that had been set at significantly higher levels than historical performance.

In total, EPA established 4 numerical performance targets, 108 action items with deliverables or due dates, and 13 action items of an ongoing nature. As of September 30, 1994, EPA had: (a) exceeded all 4 of the numerical performance targets; (b) completed 90, and was still addressing 13, action items with deliverables or due dates; and (c) was continuing to implement all 13 action items of an ongoing nature. In addition, Agency efforts on many of the administrative improvements themes and initiatives have moved beyond the goals and milestones set in the June 23, 1993, *Superfund Administrative Improvements Final Report*. Highlights of the Agency's accomplishments and progress are presented below.

Increasing Enforcement Fairness and Reducing Transaction Costs

To increase the fairness of enforcement actions and to reduce transaction costs, EPA developed specific settlement tools to facilitate the process of allocating responsibility for site costs. These tools serve to decrease transaction costs, increase allocation efficiency, and identify factors to consider when allocating response costs among potentially responsible parties.

To address the cost and liability concerns of small waste contributors, EPA encouraged earlier and expedited settlements and reduced the transaction costs by using *de minimis* settlements. In addition, the Agency is improving fairness for owners and prospective purchasers of Superfund sites.

Specifically, the Agency

- Employed non-binding liability allocation techniques and alternative dispute resolution at over 20 sites, receiving favorable reviews from potentially responsible parties
- Issued a report on currently used allocation methods and allocation implementation issues to facilitate future settlements
- Completed 86 *de minimis* settlements with over 5,500 potentially responsible parties at 69 sites in the last two years, which is more than the total number of *de minimis* settlements obtained in the prior history of the Superfund program
- Reached settlements at six mixed-funding pilot sites (mixed work was utilized at five sites and preauthorization was utilized at one site)
- Issued supplemental federal lien guidance that specifies procedures for owner notice and comment

Improving Cleanup Effectiveness and Consistency

The Agency reduced the cost and the duration of site cleanup by standardizing the approach taken at certain types of sites (presumptive remedies). EPA also reached out to affected parties in developing and testing soil screening levels to further reduce costs at Superfund sites.

In advancing cleanup effectiveness and consistency, the Agency

- Issued guidance on general policy and procedures for presumptive remedies for municipal landfills and volatile organic compounds in soil
- Implemented presumptive remedies at five municipal landfills and two sites with volatile organic compounds in soil
- Observed benefits from the use of presumptive remedies including streamlined feasibility study analysis, streamlined negotiations due to potentially responsible party acceptance, focused sampling and risk assessments for municipal landfills, as well as shortened remedial design time at some sites (At one municipal landfill site, EPA has saved three to six years from the start of the remedial investigation/feasibility study to construction initiation)
- Issued guidance on dense non-aqueous phase liquid contamination problems and technical impracticability waivers for ground-water contamination to reflect advances in technical understanding of ground-water remediation
- Issued draft guidance with methodologies for developing soil screening levels for 107 chemicals to reduce the time and cost of completing soil investigation
- Completed a desk-top pilot study of ten sites, which determined the comprehensiveness of the soil screening levels

Expanding Meaningful Public Involvement

The Agency believes that effective community involvement is critical to the success of the Superfund program. EPA has acted to enhance public participation and understanding at Superfund sites. In addition, the Agency has placed particular emphasis on developing a proactive environmental justice strategy to ensure that all communities are part of the Superfund process, including multi-cultural or lower income communities.

In accomplishing these goals, the Agency

- Arranged a national meeting in September 1993, sponsored by the National Advisory Council on Environmental Policy and Technology, to listen to citizens' opinions on environmental justice and community involvement at Superfund sites
- Established the Office of Solid Waste and Emergency Response Environmental Justice Task Force, which issued a report that greatly expanded the commitment to, and efforts in, addressing environmental justice issues at Superfund sites
- Identified ten sites for environmental justice initiatives using a possible multi-media approach
- Established community working groups or advisory boards comprised of members of the community, environmental groups, potentially responsible parties, and city, county, and regional planning boards, at more than eight sites
- Improved access to funds for citizen groups by issuing simplified Technical Assistance Grant materials that describe the functions of the grant and how to apply for a grant

Enhancing the State Role in the Superfund Program

Nationwide, there are more hazardous waste sites than EPA alone can address. Many states have developed sophisticated and experienced cleanup programs to address hazardous waste sites and have already cleaned up large numbers of sites under their own laws. EPA currently encourages states, territories, commonwealths, and federally recognized Indian Tribes to address contamination and oversee potentially responsible party cleanup actions at sites that are not on the National Priorities List. In addition, EPA is piloting state deferral of National Priorities List-caliber sites.

EPA worked with state associations to

- Develop draft criteria for states to participate in deferral
- Initiate deferral pilots in qualified states (22 sites in 7 states ongoing)
- Establish a work group to address deferral implementation questions and assessed early state-lead experiences

Continuing Initiatives

Significant progress was made on eight continuing initiatives intended to increase the effectiveness, efficiency, and fairness of the Superfund program.

The Agency has

- Increased the pace of construction completions at National Priorities List sites. Since the beginning of FY 1992, construction completions have increased from 61 to 278 at the end of FY 1994
- Streamlined the decision making process and site cleanup through implementation of the Superfund Accelerated Cleanup Model
- Conserved federal tax resources through the use of enforcement authorities. Almost 75 percent of new cleanup work was initiated by private parties in FY 1994. Private party commitments to site studies and cleanup work is expected to exceed \$1 billion for FY 1994, and the cumulative value of these commitments since 1980 exceeds \$9 billion
- Enhanced the effectiveness of enforcement actions by establishing Regional CERCLA Compliance Monitoring Procedures, instituting Regional enforcement response policies and procedures, and developing the *Cost Recovery Targeting Report*

- Improved outreach and coordination efforts with federal, private, and community stakeholders by issuing *Guidance on Accelerating CERCLA Environmental Restoration at Federal Facilities*, continuing Department of Defense partnerships in innovative technologies, and continuing efforts to mobilize private firms to participate in additional partnerships on the use of innovative technologies
- Improved cost control by issuing cost management guidance for remedial and enforcement Superfund contracting

Conclusions

Overall, the Agency is pleased with the progress made in improving the Superfund program. Significant steps were taken to address key areas of concern to Superfund stakeholders. The Superfund Administrative Improvements Task Force identified ambitious yet achievable tasks and targets for implementing the initiatives. EPA personnel in Headquarters and the Regions and other Superfund stakeholders, detailed in this report, worked hard to meet or exceed them. In addition, many of the initiatives are already providing measurable benefits to Superfund stakeholders, public health, and the environment.

Enhancing Superfund performance through administrative improvements required the Agency to refocus resource utilization. EPA Headquarters and Regions negotiated workload trade-offs to make implementation of the initiatives possible. Developing tools, guidance, direction, and reports required an "up front" investment of resources that will provide benefits into the future. Many of the initiatives with ongoing actions and performance targets require EPA to focus on site activities earlier in the process. The Agency anticipates that these "up front" investments will produce many benefits in the future, including resource savings, more cleanups, and more effective public participation.

The charter for the Superfund Administrative Improvements Task Force ended on September 30, 1994. Many of the efforts that were part of administrative improvements, such as construction completions and *de minimis* settlements, remain priorities, and the Agency will continue to set targets and goals for these in the future. EPA anticipates that public health and the environment will continue to receive measurable benefits from the administrative improvements efforts in the years ahead.

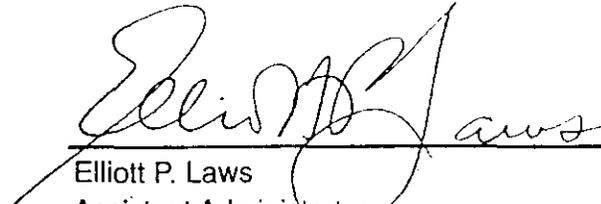
FOREWORD

The Superfund program has achieved substantial progress in cleaning up hazardous waste sites and protecting human health and the environment during its 15 year existence. However, in recognition of problems with the current Superfund law, there have been serious proposals for improvement of the statute and the program to make it faster, fairer, and more efficient. Since 1993, EPA Administrator Carol M. Browner has launched three rounds of reforms to Superfund to address criticisms raised by affected parties and to improve the pace, cost, and fairness of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. These reforms were intended to accomplish different goals, ranging from strengthening of the program prior to reauthorization to testing concepts developed during the Congressional debate on actual legislation. As a result of all the new and continuing reforms, Superfund is a dramatically different program today than it was at its inception.

This notebook serves as a reference guide on the three rounds of reforms. It includes a background section on administrative changes to the Superfund program, the documents and summaries associated with each round of reform, and a section on outreach products. This notebook is an evolving product and will be updated to include new outreach products and other documents, as needed. Please call William Ross, Superfund Reform Advocate, Office of Emergency and Remedial Response at (703) 603-8798 for further information.

May 17, 1996

Date



Elliott P. Laws
Assistant Administrator
Office of Solid Waste and Emergency Response

TABLE OF CONTENTS

1. Background

This background section describes the evolution of the Superfund program through three sets of reforms. It also briefly outlines the legislative history and significant studies that led to the adoption of these reforms.

“90-Day Study” (1989)

“30-Day Study” (1991)

Round 1- Superfund Administrative Improvements (June 1993)

Round 2- Superfund Administrative Reforms (February 1995)

Round 3- Superfund Reforms (October 1995)

2. Round 1- “Superfund Administrative Improvements” (June 1993)

Announcement of 1st Round - June 23, 1993

In this press release, Administrator Carol Browner announces a comprehensive package of administrative changes to the Superfund program.

Superfund Administrative Improvements Closeout Report - February 1995

This closeout report illustrates the progress of the initiatives announced in the 1st Round of Superfund Administrative Improvements. This report describes each initiative in detail, and progress made between June 23, 1993 and September 30, 1994.

3. Round 2- “Superfund Administrative Reforms” (February 1995)

Announcement of 2nd Round - February 13, 1995

This press release announces the 2nd Round of Superfund Administrative Reforms. These twelve new reforms were intended to strengthen and improve the Superfund program.

National Implementation Strategy for Superfund Administrative Reforms - February 14, 1995

This document represents the final national strategy for implementing the 2nd Round of Superfund Administrative Reforms. It lists all the initiatives, and the milestones and designated leads associated with them.

Superfund Reforms Semiannual Report, FY 1995: March 13, 1996

This status report describes the twelve initiatives introduced in February 1995. Specifically, it summarizes the objectives, status and next steps for each of the twelve initiatives during the period of February 13, 1995 through December 31, 1995. A contact person is also provided for each reform initiative.

4. Round 3- “Superfund Reforms” (October 1995)

Announcement of 3rd Round - October 2, 1995

In this press release, Administrator Browner announces the final round of Superfund Reforms. These twenty new common sense reforms are the final changes that can be made to the Superfund program without reauthorizing the law.

Superfund Reforms Implementation Plan - December 6, 1995

The Superfund Reforms Implementation Plan for the 3rd Round of Superfund Reforms announced in October 1992 includes: contacts; participants; a brief summary; and milestones.

5. Outreach Projects

Fact Sheet: Last Round: Perceptions/Solutions (April 1996)

This fact sheet provides more information on the reform initiatives associated with the 3rd Round of Superfund Reforms. The fact sheet links misperceptions of the Superfund program with specific initiatives designed to address these misperceptions.

BACKGROUND

EPA and other Superfund stakeholders have worked since the inception of the program to reduce risks posed by abandoned and uncontrolled hazardous waste sites. Since 1980, the Environmental Protection Agency (EPA) has evaluated more than 40,000 sites, conducted over 4,200 early actions, and has completed construction on approximately 350 of the more than 1,300 sites on the National Priorities List in an effort to protect human health and the environment. Much has changed in the Superfund program since 1980. Not only did the Superfund Amendments and Reauthorization Act (SARA) of 1986 produce significant legislative changes, but EPA also instituted a substantial number of administrative changes.

The EPA began promoting administrative changes to improve the program in 1989 by publishing A Management Review of the Superfund Program, also known as the "90-Day Study." This study was deemed to be a "frank and open report on the state of the Superfund program." The report is a compilation of observations, facts, and opinions of the Agency's staff and other critics and supporters of Superfund. In this report, EPA focused on concerns such as enforcement, expediting cleanup response, and encouraging community participation. It provided a long-term strategy for the future program. This strategy includes the "enforcement first" and "worst sites first" mandates that remain in place today.

In June of 1991, EPA convened a 30-day Task Force. The Task Force's mission was to respond to two key questions: 1) what are EPA's options for accelerating the rate of cleanups at Superfund sites; and 2) does the Superfund program use realistic assumptions when evaluating and managing risks at sites. The Task Force released the Superfund 30-Day Study Task Force Implementation Plan: Accelerating Cleanups and Evaluating Risk at Superfund Sites, also known as the "30-Day Study," on October 1, 1991. It announced several initiatives, including changes to the Alternative Remedial Contracts Strategy (ARCS) contracts, specific construction completion goals, and the Superfund Accelerated Cleanup Model (SACM), among other initiatives.

The "30-Day Study" recommendations were diverse and far-ranging in terms of scope, subject matter, and implementability. In this report, the Task Force established six categories of options: 1) setting aggressive cleanup targets; 2) streamlining the Superfund process; 3) elevating site-specific issues that cause delay; 4) accelerating private party cleanups; 5) refocusing the debate on Superfund progress; and 6) reviewing risk assessment/risk management policies.

Both the "90-Day Study" and the "30-Day Study" provided a framework for the first set of Superfund administrative improvements (Round 1: "Superfund Administrative Improvements"), which were announced by EPA Administrator Carol Browner on June 23, 1993. The Superfund Administrative Improvements Final Report contained 17 initiatives with specific goals and milestones to improve the Superfund program. The report established nine new initiatives that were designed to: 1) increase enforcement fairness and reduce transaction costs; 2) improve cleanup effectiveness and consistency; 3) expand meaningful public involvement; and 4) enhance the state role in the Superfund program. In addition, EPA adopted eight continuing initiatives from the 90- and 30-day studies that were designed to improve the overall efficiency, effectiveness, and fairness of the Superfund program.

The Superfund Administrative Improvements Closeout Report, released in February 1995, provides background information on the development of the administrative improvements and each of the 17 initiatives, and also reports on the progress made between June 23, 1993, and September 30, 1994. The Closeout Report describes the initiatives and also summarizes the achievements or performance of the milestones, the benefits of each initiative, and the lessons that EPA learned through implementing the initiatives.

Since the September 30, 1994 closeout of the "Superfund Administrative Improvements" (1st round), EPA has continued its efforts to improve the program by initiating a series of ongoing Superfund Reforms. EPA announced the 2nd Round of "Superfund Administrative Reforms" in February 1995. This 2nd round was intended to strengthen and improve the program through 12 initiatives encompassing six major areas, while awaiting action on a new law. These six general areas are: enforcement, economic redevelopment, community involvement and outreach, environmental justice, consistent program implementation, and state and tribal empowerment.

The National Implementation Strategy for the Superfund Administrative Reforms, released in February 1995, serves as a companion document for the 2nd round initiatives. This implementation strategy designated Agency leads and milestones for each of the initiatives. The closeout of the 2nd round of "Superfund Reforms" is documented in the Superfund Reforms Semiannual Report, FY 1995. It summarizes the objectives, status and next steps for each of the twelve initiatives during the period of February 13, 1995, through December 31, 1995.

In October 1995, EPA Administrator Carol Browner, announced the third and final round of "Superfund Reforms." This 3rd round of "common sense" reforms was intended to assist state and local governments, communities, and industries involved in cleanups to more easily: 1) make cost-effective cleanup choices that protect public health and the environment; 2) reduce litigation so more time can be spent on cleanup and less on lawyers; and 3) help communities become more informed and involved so that cleanup decisions make the most sense at the community level.

On December 6, 1995, an implementation plan for the 3rd round of "Superfund Reforms," was released. The Superfund Reforms Implementation Plan briefly summarizes each of the reforms, target completion dates, and program office contacts. This latest effort combines the goals and lessons learned from all prior initiatives. Some of the new reforms aim to control costs while protecting human health by assuring more consistency, streamlining processes to save time and money, creating new choices for cost-effective cleanup options, and encouraging economic redevelopment. The reforms proposed and implemented to date by the Agency are within the statutory authority of CERCLA and the National Contingency Plan.

SUMMARY OF ROUND 1

“SUPERFUND ADMINISTRATIVE IMPROVEMENTS” (JUNE 1993)

On June 23, 1993 Robert Sussman, EPA's Deputy Administrator announced a comprehensive package of administrative changes to the Superfund program. These reforms became known as Round 1 - "Superfund Administrative Improvements." To highlight progress on Round 1 efforts, the Agency developed the Superfund Administrative Improvements Closeout Report of February 1995. The report describes each initiative in detail, and progress made on each between June 23, 1993 and September 30, 1994.

The Superfund Administrative Improvements Final Report contained 17 initiatives with specific goals and milestones to improve the Superfund program. The report established nine new initiatives that were designed to : 1) increase enforcement fairness and reduce transaction costs; 2) improve cleanup effectiveness and consistency; 3) expand meaningful public involvement; and 4) enhance the state role in the Superfund program. In addition, EPA adopted eight continuing initiatives from the previous 90- and 30-day studies that were designed to improve the overall efficiency, effectiveness, and fairness of the Superfund program.

For each initiative the Agency set aggressive performance targets. EPA exceeded all performance targets, most significantly in construction completions and *de minimis* settlements. Highlights of the Agency's progress include:

- completing 86 *de minimis* settlements with over 5,500 potentially responsible parties (PRPs) at 69 sites in two years
- developing new guidance on presumptive remedies for municipal landfills, volatile organic compounds in soil, and methodologies for soil screening levels
- establishing 10 environmental justice initiative sites
- initiating deferral pilots in seven states
- achieving 217 construction completions in three years
- streamlining cleanups by implementing SACM
- increasing PRP cleanups to nearly 75% of all new work in FY 1994.

By refocusing its energies and resources through these reforms, EPA made significant strides in addressing Superfund stakeholders' concerns. Many of the initiatives with ongoing actions and performance targets require EPA to focus on site activities earlier in the process. These "up front" investments are expected to reduce costs, increase cleanups, and involve the public more effectively. Although the Superfund Administrative Improvement Task Force charter expired at the end of FY 1994, the Agency continued to set targets and goals for many of the administrative improvement initiatives, such as construction completions and *de minimis* settlements.

SUMMARY OF ROUND 2

“SUPERFUND ADMINISTRATIVE REFORMS”

(FEBRUARY 1995)

On February 13, 1995, Elliot Laws, Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER) announced the 2nd round of “Superfund Administrative Reforms.” This second set of reforms was intended to improve the Superfund program while EPA waits for Congressional action on a new law. These reforms consist of twelve initiatives, encompassing six general areas: enforcement, economic redevelopment, community involvement and outreach, environmental justice, consistent program implementation, and state and tribal empowerment. These new reforms followed the closeout of the 1st round of reforms launched in June 1993.

Some highlights of the twelve initiatives include: facilitating PRP searches, fostering expedited settlements, implementing Brownfields initiatives, issuing guidance on community advisory groups and technical assistance grants, issuing soil screening guidance and issuing guidance which promotes state/tribal voluntary cleanup programs.

On February 14, 1995, EPA released the National Implementation Strategy for Superfund Administrative Reforms. This detailed national implementation strategy was developed by EPA Headquarters, the Regions and other federal agencies. It identifies major milestones, leads and timeframes for each initiative. The Superfund Reforms Annual Report, FY 1995, issued on May 13, 1995, summarizes the objectives, status and next steps for each of the twelve initiatives between February 13, 1995 and December 31, 1995.

To name just a few of the accomplishments achieved by the reforms, EPA has:

- released more than 200 *de minimis* parties from enforcement activities through early expedited settlements, bringing the total number of *de minimis* parties that have settled with the Agency to over 12,000;
- invited over 500 PRPs to participate in allocation pilots at eight sites;
- initiated Brownfields activities at 29 sites;
- established a pilot to promote community participation in planning cleanup activities at 13 sites; and
- initiated a pilot, in coordination with States and Tribes, to test a funding concept at seven sites.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 13 1995

MEMORANDUM

SUBJECT: Announcement of Superfund Administrative Reforms

FROM: Elliott P. Laws
Assistant Administrator
Office of Solid Waste and Emergency Response (OSWER)

Steven A. Herman
Assistant Administrator
Office of Enforcement and Compliance Assurance (OECA)

TO: Regional Administrators (Regions 1 - 10)

The purpose of this memorandum is to announce the Superfund Administrative Reforms for FY 1995 and FY 1996. These reforms are intended to strengthen and improve the Superfund program, while awaiting Congressional action on a new law, through twelve initiatives encompassing six major areas.

The six areas include:

- (1) **Enforcement Reforms** designed to test-drive innovative, enforcement processes, reduce transaction costs for PRPs and promote more fair, effective and efficient settlements;
- (2) **Economic Redevelopment** initiatives which foster cleanup and reuse of properties;
- (3) **Community Involvement and Outreach** expanding efforts to ensure that cleanup objectives are responsive to the needs of the communities served;
- (4) **Environmental Justice** to ensure that people of color and the economically disadvantaged receive equal, prompt and effective environmental protection;
- (5) **Consistent Program Implementation** by applying lessons learned from past initiatives and lessons to be learned through the promotion of innovative technologies;
- (6) **State Empowerment** in recognition of the high quality of State cleanup programs and States' contributions to the Superfund efforts.

These Superfund administrative reforms have been approved by the Administrator and she endorsed their immediate adoption by all Headquarters and Regional offices, the Department of Justice and other stakeholders. The twelve initiatives are more fully explained in a two page fact sheet attached to this memorandum (see Attachment A).



This initiation of new Administrative Reforms follows our closeout of the Administrative Improvement initiatives launched in 1993. These initiatives also reinforce our commitment to the principles embodied in the Administration's reauthorization efforts last year (which enjoyed broad-based stakeholder support). We strongly support the reauthorization of Superfund in this Congress, and intend to implement these administrative reforms while actively pursuing reauthorization. Attachment B is a summary of major accomplishments under the Administrative Improvements initiatives. We are extremely pleased with the performance of the Regional managers and staff in implementing the first round of administrative improvements.

We join Administrator Browner in commending the Regions for the accomplishments of the Superfund program since its inception and its extensive contributions to environmental protection and pollution prevention. To date, the Regions in partnership with the States have assessed and determined that approximately 25,000 potential hazardous waste sites are no longer of Federal interest. The Regions also have completed over 3,200 early actions at more than 2,500 National Priorities List (NPL) and non-NPL sites to reduce immediate threats to human health and the environment. Cleanup or study is underway at 95% of the 1300 NPL sites and, by the end of FY 1994, necessary construction was complete at 278 sites -- four times the number of completions in 1991. Approximately three quarters of new cleanup work, valued at over \$1 billion annually, is being performed by private parties, with settlements totaling over \$10 billion since the beginning of the program. EPA continued its commitment to fairness in enforcement by settling with over 4,000 small parties this year, to bring the total number of settlements with de minimis parties to 9,400.

The Administrator committed, during her recent meeting with the U.S. Conference of Mayors, that EPA would undertake 50 Brownfields pilots in 1995 and 1996. As illustrated in the two page fact sheet, this is one of the major administrative reform initiatives to be launched by the Agency. Headquarters and the Regions will play a major role in fulfilling this commitment. Regional Administrators will receive a memo from Elliott Laws soliciting panel nominees to assist in the selection process. Regional pilots are a key element of the National Brownfields Initiative. In addition, the Administrator also committed each Region to at least one Brownfields Intergovernmental Personnel Assignment to local governments by December 1995.

The scope and implementation of these initiatives were discussed and thoroughly examined in the meeting with Waste Management Division and Regional Counsel personnel on January 31 - February 1, 1995. We very much appreciate the efforts already expended by the Regions on launching these new initiatives and ask your continued support in their implementation. We also wish

to note that the Department of Justice and the Agency for Toxic Substances and Disease Registry have endorsed and support our efforts on Superfund Administrative Reform.

Attachment C to this memorandum relays our management plan and followup action items resulting from our meeting with Regional and Headquarters personnel. A separate mailing to the Regions will contain the more detailed national implementation plan for each of the administrative reforms. It is designed to aid the Regions in planning (in cooperation and consultation with State counterparts) for the next critical steps in the process. Regional implementation plans are due to OSWER and OECA by no later than March 15, 1995.

We would urge you to communicate about these efforts with all Superfund stakeholders, including States, Tribes, local governments, communities and other stakeholders. If you have detailed questions, please contact either of us or Steve Luftig on (703)603-8960 or Druce Diamond on (202)260-4814.

Attachments:

Superfund Administrative Reforms - Fact Sheet
Administrative Improvements Accomplishments - Fact Sheet
Superfund Administrative Reforms - Management Plan/Action
Items/Implementation Plan Format

cc: Lois Schiffer (DOJ)
Bruce Gelber (DOJ)
Barry Johnson (ATSDR)
George Buynoski (ATSDR)
Waste Management Division Directors (Regions 1-10)
Environmental Services Division Directors (Regions 1-10)
Regional Counsels (Regions 1-10)
Public Affairs Directors (Regions 1-10)
Superfund Branch Chiefs (Regions 1-10)
Regional Counsel Branch Chiefs (Regions 1-10)
Tim Fields (OSWER)
OSWER Office Directors
Mike Stahl (OECA)
Scott Fulton (OECA)
Bruce Diamond (OSRE)
Jerry Clifford (OSWER)
Robert Hickmott (OCLA)
ASTSWMO



Superfund Administrative Reforms Fact Sheet

NEW INITIATIVES

A. *Enforcement Reform*

1. Facilitate PRP Searches

Improve the quality and timeliness of PRP searches, make information obtained more accessible, and conduct PRP searches sufficient for an allocation process at certain sites.

2. Foster Expedited Settlements

Identify and offer eligible parties expedited settlements including ability to pay settlements and early de minimis (pre-ROD) settlements at pilot sites.

3. Pilot Allocations

Implement a process for allocation of responsibility for response costs among all parties (including the Trust Fund) at selected pilot sites.

B. *Economic Redevelopment*

4. Brownfields Initiatives

Implement the Agency's Brownfields initiatives related to beneficial reuse of Superfund sites, including: (a) expand the number of Brownfields pilots to 50 by the summer of 1996; (b) community outreach, involvement of Federal, State, Tribal and local stakeholders, financial assistance to political subdivisions (e.g., Brownfield grants), financial assistance to States and Tribes (e.g., limited financial assistance to encourage the development of Voluntary Cleanup Programs), and data collection; (c) issuing guidance that eliminates from the inventory of Superfund sites (CERCLIS) properties determined no longer of Federal interest; (d) issuing guidance that authorizes the Regions to clarify areas on or adjacent to NPL sites (including Federal facilities) determined to be uncontaminated; and (e) issuing guidance which identifies options to remove liability-based barriers to property transfers at certain sites (e.g., prospective purchaser guidance), and describes the circumstances under which the Agency will issue comfort/status letters.

C. *Community Involvement and Outreach*

5. Community Advisory Groups and Technical Assistance Grants

Issue guidance encouraging the Regions to establish CAGs, implement early community involvement at more sites, and amend the TAG rule to facilitate community involvement (e.g., authorize training and earlier funding of community groups).

6. Community Involvement in the Enforcement Process

Identify and pilot enhanced, innovative approaches to community involvement in technical settlement issues.

NEW INITIATIVES (Continued)

D. *Environmental Justice*

7. Training and Health Services Assistance to Communities

Implement, in coordination with HHS, a pilot program that provides health services assistance to citizens in proximity to Superfund sites, and develop interagency pilots to train and employ community residents.

E. *Consistent Program Implementation*

8. Guidance for Remedy Selection

Issue the Soil Screening Levels Guidance and Land Use Guidance, initiated under Administrative Improvements, and complete additional presumptive remedy guidance for ground water, wood treater sites, PCB sites, manufactured gas plants (MGP), and grain storage sites.

9. Risk Sharing In Implementing Innovative Technology

Explore programs to share risks associated with implementing innovative technologies by:
(a) agreeing to share the risk for a limited number of approved projects by "underwriting" the use of certain promising, innovative approaches, and (b) exploring and identifying concerns that are affecting the selection and use of innovative technologies by contractors.

F. *State and Tribal Empowerment*

10. Voluntary Cleanup Program

Issue guidance which promotes State/Tribal Voluntary Cleanup Programs, encourages other States and Tribes to create such programs, and, in conjunction with the Brownfields Initiative, authorizes limited financial assistance to such programs.

11. Integrated Federal/State/Tribal Site Management Program

Issue the State Deferral Guidance, initiated under Administrative Improvements, continue and expand the current projects, and explore options for further delegation of authorities to States and Tribes.

12. State/Tribal Superfund Block Funding Options

Explore the interest of States and Tribes in a project to examine the feasibility of using a single cooperative agreement to finance for Superfund activities within State or Tribal boundaries (e.g., PA/ST, Core Program, site-specific enforcement and cleanup activities).

ENHANCED AND CONTINUING INITIATIVES

- De Minimis Settlements
- Alternative Dispute Resolution
- Continuation of Limited Number of Mixed Funding Pilots
- Enforcement First and Cost Recovery
- Environmental Justice Initiatives
- NPL Construction Completions
- Superfund Accelerated Cleanup Model
- Military Base Closure Initiative
- Strengthening Contracts Management



Superfund Administrative Improvements Fact Sheet

INTRODUCTION

On June 23, 1993, the U.S. Environmental Protection Agency (EPA) issued the *Superfund Administrative Improvements Final Report* to strengthen the Superfund program. The 17 initiatives outlined in the report have improved the pace, cost, and fairness of the Superfund program, and have expanded public involvement.

The report established nine new initiatives to

- Increase enforcement fairness and reduce transaction costs
- Improve cleanup effectiveness and consistency
- Expand meaningful public involvement
- Enhance the state role in the Superfund program

In addition, the Agency adopted eight continuing initiatives that improve the efficiency, effectiveness, and fairness of the Superfund program.

Progress under each initiative was tracked through administrative improvements quarterly reports. The final quarterly report, covering performance from June 23, 1993, to September 30, 1994, was issued on December 23, 1994. In February 1995, EPA issued the *Superfund Administrative Improvements Closeout Report* which provides a description of the initiatives, a summary of the achievements or performance with regard to the milestones, the benefits of each initiative, and the lessons learned by Agency personnel through implementing the initiatives.

OVERVIEW OF PROGRESS

The Agency, in coordination with Superfund stakeholders, was successful in achieving or exceeding most of the goals and targets it set for itself by the September 30, 1994, deadline. In two key areas of performance, construction completions and *de minimis* settlements, EPA exceeded targets that had been set at significantly higher levels than historical performance.

To implement the administrative improvements, EPA established specific performance targets, action items, and long-term commitments. By September 30, 1994, EPA had:

- Exceeded all 4 numerical performance targets
- Completed 90, and was still addressing 13, action items
- Continued to implement all 13 long-term commitments

Through the administrative improvements, EPA took significant steps to address key areas of concern to Superfund stakeholders. Many of the initiatives are already providing measurable benefits to Superfund stakeholders, public health, and the environment. Performance highlights are provided below.

EPA increased enforcement fairness and reduced transaction costs

- Completed 86 *de minimis* settlements with over 5,500 potentially responsible parties at 89 sites in the last two years, which is more than the total number of *de minimis* settlements obtained in the prior history of the Superfund program
- Employed non-binding liability allocation and alternative dispute resolution at over 20 sites
- Issued a report on allocation methods and implementation issues to facilitate future settlements
- Reached settlements at six mixed funding pilot sites
- Issued supplemental federal lien guidance that specifies procedures for owner notice and comment.

OVERVIEW OF PROGRESS (Continued)

EPA Improved Cleanup Effectiveness and Consistency

- Issued guidance on presumptive remedies for municipal landfills and volatile organic compounds in soil
- Implemented presumptive remedies at seven sites, saving both time and money. (At one municipal landfill site, EPA has saved at least three years from the start of the remedial investigation/feasibility study to construction initiation.)
- Issued guidance on dense non-aqueous phase liquid contamination problems and technical impracticability waivers for groundwater contamination to reflect advances in technical understanding of groundwater remediation
- Issued draft guidance with methodologies for developing soil screening levels for 107 chemicals to reduce the time and cost of completing soil investigation
- Completed a desk-top pilot study of ten sites, which determined the comprehensiveness of the soil screening levels

EPA Expanded Meaningful Public Involvement

- Arranged a national meeting in September 1993, sponsored by the National Advisory Council on Environmental Policy and Technology, to listen to citizens' opinions on environmental justice and community involvement at Superfund sites
- Established the Office of Solid Waste and Emergency Response Environmental Justice Task Force, which issued a report that greatly expanded the commitment to, and efforts in, addressing environmental justice issues at Superfund sites
- Identified ten sites for environmental justice initiatives
- Established community working groups or advisory boards comprised of members of the community and other stakeholders, at eight sites
- Improved access to funds for citizen groups by issuing simplified Technical Assistance Grant materials that describe the functions of the grant and how to apply for a grant

EPA Enhanced the State Role in the Superfund Program

- Developed draft criteria for States to participate in deferral of Superfund caliber sites
- Initiated 22 deferral pilots in 7 states
- Established a deferral work group to address implementation issues and to assess pilots

EPA further increased Superfund efficiency, effectiveness, and fairness

- Increased the number of construction completions at Superfund sites from 61 to 278
- Streamlined the decision making process and site cleanup through implementation of the Superfund Accelerated Cleanup Model
- Conserved Federal tax resources through the use of enforcement authorities — Almost 70 percent of new cleanup work was initiated by private parties in FY 1994 — Private party commitments to site studies and cleanup work is expected to exceed \$1 billion for FY 1994, and the cumulative value of these commitments since 1980 exceeds \$9 billion
- Enhanced the effectiveness of enforcement actions by establishing Regional CERCLA Compliance Monitoring Procedures, instituting Regional enforcement response policies and procedures, and developing the *Cost Recovery Targeting Report*
- Improved outreach and coordination efforts with federal, private, and community stakeholders by issuing *Guidance on Accelerating CERCLA Environmental Restoration at Federal Facilities*, continuing Department of Defense partnerships in innovative technologies, and continuing efforts to mobilize private firms to participate in additional partnerships on the use of innovative technologies
- Improved cost control by issuing cost management guidance for remedial and enforcement Superfund contracting

SUMMARY OF ROUND 3 "SUPERFUND REFORMS" (OCTOBER 1995)

On October 1995, EPA Administrator Carol Browner announced the 3rd and final round of "Superfund Reforms." This introduced 20 new "common sense" reforms to the Superfund program designed to make the Superfund program faster, fairer and more efficient. Administrator Browner called upon Congress to complete the reform of Superfund through legislative changes, noting that these administrative improvements represent the final changes that can be made to the program without reauthorizing the law.

These highlights of the 3rd round of Superfund Reforms are intended to assist state and local governments, communities, and industries involved in cleanups to more easily:

- Make cost-effective cleanup choices that protect public health and the environment by: assuring more consistency; streamlining processes to save time and money; and creating new choices for cost-effective cleanup options and encouraging economic development. Another reform will be to establish cost-effectiveness "rules of thumb" and an EPA National Remedy Review Board that will ensure that costs are appropriate to cleanup needs.
- Reduce litigation so more time can be spent on cleanup and less on lawyers through increased fairness in the enforcement program by: compensating settling parties for a portion of the "orphan shares," or cleanup costs that are attributable to insolvent parties; and reducing transactions costs by doubling the number of "small party" entities potentially liable at Superfund sites.
- Help communities become more informed and involved so that cleanup decisions make the most sense at the community level by: establishing a greater role for states and tribes in remedy selection; providing clearer information on remedy selection decisions through simple summary sheets; promoting pilot efforts to create cleanup options in communities; and providing forums for stakeholder concerns by establishing an ombudsman in each Region to help resolve stakeholder concerns.

On December 6, 1995, EPA released the Superfund Reforms Implementation Plan for the 3rd Round of Superfund Reforms. This plan includes contacts, participants, a brief summary, and milestones.



Superfund Administrative Reforms Overview

A. Make smarter cleanup choices that protect public health at less cost

1. Control Remedy Costs and Promote Cost-Effectiveness

- Establish Cost-Effectiveness Thresholds and New "Rules of Thumb"
- * Establish a new EPA National Remedy Review Board, composed of senior Agency experts, to review proposed high cost remedies at specific sites to ensure that costs are not disproportionate to cleanup benefits. EPA will develop additional "Rules of Thumb" to further ensure the appropriate review of the cost-effectiveness of remedies. *Wayne Pierre*
- Update Remedy Decisions at Select Sites
- * Revisit remedy decisions at certain sites where significant new scientific information or technological advancement will achieve the same level of protectiveness of human health and the environment. *Mike G. / Judi Schwarz*
- Clarify the Role of Cost Throughout the Remedy Development Process
Clarify the role of costs in developing cleanup options and selecting remedies, and promote consistent use of policies and guidances on land use, ground water, and presumptive remedies to assure cost-effectiveness. *Wayne Pierre*
- Clarify Information Regarding Remedy Selection Decisions
Require a summary sheet clearly demonstrating the basis for remedy selection at each site. The summary will present the relationship between site risks and response actions, including the costs and benefits of cleanup alternatives. *Judi Schwarz*

2. Ensure All Risk Assessments are Grounded in Reality

- Institute New Role for Stakeholders in Designing Reasonable Risk Assessments
- * Solicit party stakeholder input to identify and make consistent use of current information about the site and site inhabitants. Reaffirm EPA's commitment to allow parties at a site to perform risk assessments under the proper circumstances.
- Ensure Reasonable and Consistent Risk Assessments
- * Standardize those components of the risk assessment process that vary little from site to site, and issue national criteria to the Regions for the review, approval, and reporting of Superfund risk assessments. Utilize Expert Workgroups on specific contaminants to ensure application of developing risk information. *Dana Davoli*

3. Foster Integration of Overlapping Cleanup Programs

- * Establish a lead regulator at each site undergoing cleanup activities under competing Federal and State authorities to eliminate overlap and duplication. *Nancy Harney*

4. Reform Listing and Deletion Policies

- Ensure that response actions that have been taken up to the time of listing are considered when listing sites on the National Priorities List. *Dave Bennett*
- * Delete "clean" parcels of certain Superfund sites from the National Priorities List. *Lori Cohen*



"*" = topics we will cover between
9 + 10 - 11/29/95.

Handout for Wednesday 11/29
9 AM meeting.

5. Conduct National Risk-Based Priority Setting

- * Establish formal national priority-setting systems for funding federal facility and Superfund cleanups based on the principle of "worst problems first." These systems would incorporate input from States and other stakeholders in determining the appropriate priority. *FF: Nancy Harney*
private sites: Mike Gearhard.

B. Reduce litigation by achieving common ground instead of conflict.

1. Increase Fairness in the Enforcement Process

- * **Compensate Settlers for a Portion of Orphan Share**
Seek to compensate parties for a portion of the costs attributable to insolvent parties (orphan share) at sites where parties agree to perform the cleanup, subject to the adequacy of funding for the cleanup program. *Elizabeth McKenna / Ted Yackulic*

- * **Ensure Settlement Funds are Dedicated to Specific Sites**

Direct settlement funds designated for future site costs to be placed in site-specific accounts.

- * **Issue Cleanup Orders to Parties in an Equitable Manner**

Ensure that issuance of cleanup orders is not limited to a few responsible parties but includes all appropriate parties where there is a sufficient basis to include them. *Elizabeth McKenna*

2. Reduce Transaction Costs

- * **Increase Number of Protected Small Contributors**
EPA will not seek costs from thousands of additional small volume contributors (*de minimis* parties) by, at a minimum, doubling the level previously identified for small party protection. If a party is threatened with litigation by private parties, EPA will settle with that party for one dollar. *Rich McAllister*

- * **Adopt Allocations Proposed by Parties at a Site**
Adopt private party allocations, including those that identify an orphan share, as the basis for settlement, where such allocations are approved by EPA. Compensation for a portion of the orphan share may be provided, subject to the adequacy of funding for the cleanup program. *Ted Yackulic*

- * **Reduce Oversight for Cooperative Parties**
Reward parties at sites that consistently perform high quality work by significantly reducing or tiering oversight. *Piper Peterson*

C. Ensure that States and communities stay more informed and involved in cleanup decisions.

1. Establish Greater Stakeholder Role in Remedy Selection

- * **Shift Remedy Selection Process to Selected States**

Implement a process whereby qualified States and Tribes (at Tribal sites) would select remedies at certain Superfund sites, consistent with applicable law and regulations governing cleanups. *Christine Psyk*

- * **Pilot New Community-Based Remedy Selection Process**

Assist community groups, site parties, local governments and other stakeholders in achieving consensus to propose protective remedies at select sites.

2. Provide a Meaningful Forum for Stakeholder Concerns *Michelle Pirzadeh*

- * Establish an Ombudsman in each Region to serve as a point of contact to facilitate resolution of stakeholder concerns at the Regional level.

- * Use tools such as electronic bulletin boards and private and educational institutions to improve communication between all Superfund stakeholders.

A